

KJI NEWSLETTER ***October 2004***

This newsletter is published to fully inform the magistrates of Kosovo on the activities of the KJI. This publication is distributed to judges and prosecutors throughout Kosovo. The Monthly KJI Newsletter features articles from KJI Staff relating to issues of interest to judges and prosecutors working in Kosovo.

Updated Information on the KJI's current status and future activities

As part of its institution building mandate, the Department is working to assist with the reestablishment of the judicial system based on democratic principles and according to the international human rights standards. As a principle means of improving the judiciary, the Department, in conjunction with the legal community in Kosovo, created the Kosovo Judicial Institute (KJI). It formally began its activities in August 1999, as the Judicial Training Section, and was established as the KJI in February 2000.

While the KJI is currently still part of the Department, a draft law providing for the legal establishment of the KJI as a Kosovo institution is being prepared in co-operation with the government and in compliance with the Kosovo Standards Implementation Plan. The draft law will enable the KJI to expand its mandate and activities and to function as an independent and professional body (enjoying the status of an autonomous legal entity), established by the Government, within the overall governmental structure. The KJI will

therefore, after promulgation of the law, be established as a school of magistrates. The law is expected to be adopted by the Kosovo Assembly in the immediate future. The KJI has three international and fifteen local staff members. It is currently headed by an international co-director.

Objectives

The mandate of the KJI is to train judges and prosecutors in order to increase their professional and technical competence. The KJI continues to further adapt its training activities to the new legal requirements and to contribute to the joint effort to foster a professional, independent, impartial and multi-ethnic judiciary and prosecution in Kosovo.

The KJI works towards supporting the implementation of the Standards for Kosovo and especially the standard of equal access to justice. Once the draft law on the establishment of the KJI comes into force, the KJI will receive the legal foundation necessary to function

as a sustainable institution, providing initial training for the candidates to the offices of judge and prosecutor, basic training for lay judges, promotional training for judges and prosecutors who are promoted to a higher court, and to continue its continuous legal education for members of the judiciary and prosecution. In the future, the KJI will also perform other activities as a professional and research institution for the development of magistrates in Kosovo, in line with the European standards.

Activities

The Continuous Legal Education for the Judiciary and Prosecution

The KJI's Continuous Legal Education Programme (CLEP) includes education activities both in Kosovo and abroad. The Department began offering training activities in Kosovo by organizing symposiums on human rights standards and criminal law for all members of the judiciary from September through December 1999, during the Emergency Judicial System. This training was regularised and formalised by the creation of the KJI in 2000. Subsequently, assessments on training needs and priorities for the Kosovo judiciary allowed the KJI to focus its training on specific legal subjects of concern.

Following the appointments of new judges and prosecutors since December 1999, the KJI has provided induction seminars on criminal law, criminal procedure law, civil law and

civil procedure law, in accordance with international human rights standards, intended to refresh and update their legal knowledge. The most recent induction courses were organised by the KJI in December 2003, January and May 2004, and included training on the new Provisional Criminal and Criminal Procedure Codes of Kosovo.

The CLEP is composed of specific training sessions and includes information sessions, seminars, symposiums, workshops and round table discussions. In 2003, the KJI revisited its programmes and shifted the focus from a primarily topical approach to a more systematic approach of continuous legal education. In conjunction with the Professional Skills Training Programme (see more details below), the KJI offered a set curriculum which delved into relevant topics in greater depth. The courses were offered in a sequential order to allow Kosovo magistrates the opportunity to attain greater proficiency in certain areas of law and practice. A wide variety of training opportunities addressed both criminal and civil law matters in equal proportion and included such areas as ethics, property rights, civil procedure, minor offences, criminal procedure and substantive criminal law.

During the first half of 2004, the KJI focused on both the substantive and procedural aspects of the new criminal law system, offering 12 regular training sessions in such areas as the new criminal offences, new types of punishments, the new roles of the public prosecutor, judicial police and pre-trial

judge as well as other specific aspects of the new codes. Some professional skills training were incorporated in order to provide the judiciary with an adequate practical approach to the new criminal system.

The KJI has also broadened its training activities and offered them in the regions. Given the numerous new provisions included in the new criminal and criminal procedure codes, round table discussions took place in the five regions of Kosovo, aimed at emphasizing specific substantive criminal or procedural concerns that judges and prosecutors of each region face in their legal practice. The KJI also organised an *ad hoc* seminar on the new Juvenile Justice Code of Kosovo one month after this code entered into force. Since civil matters as well as minor offences court competencies remain of great importance, these areas continue to be covered in 2004. Trainings on labour law, property law, family law, execution procedure, and domestic violence took place during this period.

The other part of the CLEP is the education abroad programme, which consists of study visits and internships. The visits are intended to foster and promote discussions about the problems of judicial systems in post-communist countries and sharing of experience with colleagues as a means to help find solutions for improving judicial practices and techniques in Kosovo. Usually, the participants visit the Ministry of Justice and the main judicial institutions of the country they

travel to and observe first and second instance court proceedings. In previous years the KJI organised study visits to Poland, France (Paris and Strasbourg), Croatia, Switzerland and the Netherlands (The Hague). In 2003, a total of 34 magistrates were sent on study visits to other countries, which included Slovenia, Switzerland and Germany. As of mid-2004, one study visit to Germany has been conducted.

The internships allow for observing and assisting a judge or prosecutor at work in a foreign judicial system. This activity aims at developing certain areas of the magistrate's work, such as legal reasoning, questioning techniques, docketing and court management. In preparation for internships, participants attend an intensive three-day course on the judicial institutions of the country they are to visit. Upon their return, workshops are organized where they have the opportunity to share their experience with their colleagues. Since 2002, four internships were organized in Germany.

The future magistrate school

The purpose of the future magistrate school will be to train candidates to become judges and prosecutors in Kosovo. According to the draft law, "Establishment of the Kosovo Judicial Institute", the KJI will see a considerable extension of its duties and competencies, as it will become the institution legally responsible for providing initial legal education to candidates for the office of judge or prosecutor; continuous legal training to the members of the judiciary and

prosecution; special training courses for the promotion of judges and prosecutors; basic training courses for lay judges; and training courses for other professionals in the courts. The KJI will also be entitled to organise the preparatory exam for judges and prosecutors, to assist in the selection of candidates and assess the results achieved after conducting the course of instruction.

Further to this aim, the European Agency for Reconstruction (EAR) is funding a technical assistance project for the KJI through the EU project "Institution Building of the KJI". The specific objectives of the project are to develop the Institute's administrative, training and management capacity to provide both initial and continuous legal education for judges and prosecutors, and to develop a training programme for lay judges. An extensive curriculum for the Initial Legal Education Training for candidate judges and prosecutors will soon be developed in order to cover all aspects of the legal system in Kosovo,

judicial and prosecutorial skills, and other management and administration courses. This will begin fully with the promulgation of the draft law on the establishment of the KJI.

Partnership

The KJI works closely with organisations whose efforts are linked with judicial training. There is close collaboration with the EAR, the Council of Europe (CoE), and the United States Department of Justice (USDoJ). Experts provided by the CoE and USDoJ assist the KJI in carrying out various training activities. Moreover, in order to satisfy the specific needs of judicial training, the KJI co-operates on an *ad hoc* basis with national and international institutions, such as the Kosovo Police Service School, the American Bar Association Central European and Eurasian Law Initiative, the World Bank and others.

(Extract from the HR/RoL Departmental Guide – October 2004)

Project activities October 2004

Seminar on Labour Law

The KJI will offer a seminar on Labour Law on 5 October, which will be a repeat of the one that was previously organized on 18 March. The programme will deal with the rights and obligations in the labour relationship as currently established in Kosovo and the legal defence of employees before the courts in cases of suspension or dismissal from work. Two local judges and two KJI trainers will provide lectures in this seminar. This training programme will address only civil law judges.

Workshop on the Juvenile Justice Code in Prizren/Prizren

This training session is organized together with Unicef, Terre des Hommes and the Probation Service of Kosovo on 7 October 2004 in Prizren. The programme will deal with the respective role and responsibilities of probation officers and social workers according to the Juvenile Justice Code, and their cooperation with the magistrates; the duties undertaken by the Probation Service of Kosovo and the proceedings initiated by the Public Prosecutor against minors in conflict with the law. Focus will be made on the practice developed by the Municipal Prosecutor's office and the Probation Service of Prizren/Prizren. Some simulated case studies will also be presented and discussed. The experts contributing to this seminar will be a judge from the District Court of Mitrovice/Mitrovica, the Director of the Probation Service in Kosovo and a Prosecutor from the Municipal Prosecutor's office of Prizren/Prizren. This training session addresses Judges and Prosecutors from the Municipal and District Courts/Prosecutors Office of Prizren region dealing with this matter. Probation officers, social workers, police officers and lawyers will also attend this session.

Workshop on the Provisional Criminal Procedure Code of Kosovo

The KJI, together with the Kosovo Judges Association, Kosovo Prosecutors Association and the Kosovo Chamber of Advocates (KCA), will organise a workshop on the Provisional Criminal Procedure Code of Kosovo on 12 and 13 October. This workshop will focus on the proceedings of the confirmation hearing/confirmation of the indictment. Judges and prosecutors will be invited to work and discuss real case scenarios which demonstrate dilemmas which can be experienced in the application. The objective of the workshop is to achieve standardization on the interpretation of new criminal provisions and to create a unique practice for the provisions posing dilemmas. Some main guidelines will then be drawn from the discussions, and the common stand points on how to apply these provisions will be published by the institute. Three moderators will lead the workshop, a prosecutor from Kosovo's Office of the Prosecutor, a judge from the Supreme Court and a lawyer, who is a member of the KCA. An expert of the Council of Europe as well as police instructors, lawyers, an International Prosecutor and International Judge will also participate in order to give their input and recommendations.

Preparation for Study Trip to Germany

The KJI will hold a preparatory session on 19 October for ten participants (judges and prosecutors from Kosovo) who will perform a study trip to Germany from 24 to 30 October. The aim of the session is to present the objective of the study trip as well as the programme agenda for this period.

Preparatory Seminar for the Training of Trainers in Strasbourg

The Council of Europe and the Kosovo Judicial Institute will organize an introductory seminar on the Council of Europe's Human Rights Conventions and relevant domestic law applicable in Kosovo on 20 and 21 October. This training session will address

twenty judges and prosecutors from all over Kosovo, who will attend a training of trainers in Strasbourg during the second week of November. The objective of this session is to introduce the participants to the basic concepts of the ECHR and to prepare them for the study trip to Strasbourg, during which they will attend further training programmes on European human rights instruments and a Court session at the ECHR. Some of the KJI staff will also participate to both training activities. The objective of the programme is to provide KJI with a pool of trainers specialized in this field. Three experts from the Council of Europe and two Human Rights trainers from OSCE will conduct the preparatory session.

Study trip in Germany

A group of 10 judges and prosecutors from Kosovo will depart on 24 October in order to perform a study visit in Germany. The programme will start in Berlin on 25 October, at the Federal Ministry of Justice, where participants will attend sessions held by a representative from the Prosecutor Office of Berlin and a specialist from Eurojust, on several aspects of the fight against crime through internet. On 26 October, civil substantive and procedural law problems will be discussed through a comparison of laws and the presentation of the new law on obligations and the new civil procedure code in Germany. On 27 October, participants will attend a hearing at the Federal Criminal Court of Leipzig, on revision cases, and will be discussing about Administrative law in Germany at the Federal Administrative Court of Leipzig. On 28 and 29 October, the group will then attend hearings at the Municipal Court and High Regional Court of Ina-Thuringia.

Training of Trainers in Bulgaria

The Kosovo Judicial Institute will provide a Training of Trainers course for a group of 14 kosovar judges and prosecutors, 3 KJI trainers and KJI assistant programme coordinator. This training will be organized in Bulgaria by the training experts from the Bulgarian National Institute of Justice. The programme will focus on different teaching strategies to develop and to perform for training purposes. This programme aims at supporting the capacity building of KJI in order for the institute to rely on a well trained pool of experts, able to deliver training programmes in accordance with appropriate methodology approach.

Internships

The KJI will organize in cooperation with the Ministry of Justice in Thuringia/Germany two different internships from 31 October to 20 November 2004. One internship will be provided for three Kosovar prosecutors and will take place in the Prosecutor Office of Erfut. The other one will address 3 Kosovar judges who will follow up the activities of the Municipal Court in Gera.

VACANCY NOTICE

The following vacancies are available at Kosovo Judicial Institute (KJI):

Vacancy Notice Period: **28 September 2004 – 28 October 2003**

Start of Contract: **ASAP**

Upon successful completion of an initial three (3) month probationary period, a fixed contract of up to three (3) years may be offered.

****NOTE:** The salary levels stated below are subject to confirmation taking into account the qualifications of selected candidates**

National Co-Director: - 630 EURO/month (VN: KJI04/01)

Duties:

Under the overall supervision of the Director of the Human Rights and Rule of Law Department of OMIK, the National Co-Director of the KJI:

1. Represents and directs the activities of the KJI on an executive level;
2. Manages and supervises approximately 24 staff members on a daily basis;
3. Oversees and performs financial management and budget planning;
4. Provides strategic guidance and direction regarding substantive and organizational plans.

Qualifications required:

- University degree in law;
- Minimum of 10 years working experience, preferably in managing a teaching/training institute;
- Experience as a judge or a prosecutor is strongly preferred;
- Experience in fundraising with international donors is strongly preferred;
- Excellent written and oral working knowledge of Albanian and Serbian;
- The working knowledge of English is an advantage;
- Knowledge of regional political situation;
- Working proficiency in word-processing;
- Experience and ability to manage a complex institution and work under pressure and with limited time frames;
- Ability and willingness to work in a multiethnic, non political environment;

National Programme Co-ordinator: - 546 EURO/month (VN: KJI04/02)

Duties:

5. Assesses and identifies training needs of all judges and prosecutors working in Kosovo;
6. Co-ordinates and develops the training program;
7. Designs, coordinates and implements short, mid and long term objectives for the training program and the development of the KJI;
8. Reports on activities and outcomes;
9. Assists the International Programme Co-ordinator in preparing the budget proposals for the training activities and running of the Institution;
10. Provides supervision and direction to the Senior Administrative Officer and Language Assistants;
11. Liaises with other organizations involved with the judicial system in Kosovo;
12. Performs related duties as required.

Qualifications required:

- University degree in law
- Extensive professional legal experience (such as experience as a judge or prosecutor)
- Knowledge of International legal standards and instruments, especially the European Convention on Human Rights
- Extensive knowledge of the legal system in Kosovo
- Demonstrated planning and organizational skills
- Strong interpersonal and analytical skills
- Ability to work at a professional level in Albanian and/or Serbian
- Good oral and written English is strongly preferred
- Flexibility and ability to work under pressure and within limited time frames
- Ability to operate Windows applications
- Management experience strongly preferred

Language Assistant – 195 EURO/month (VN:KJI04/03)

Duties:

The Language Assistants will translate texts and legal documents, from Albanian to Serbian and vice versa, provide interpretation during meetings, conferences, seminars, round table discussions, draft correspondence, and prepares summaries of relevant documents.

Qualifications required:

- Completed secondary education, University degree preferable, or certified courses in Translation/Interpreting;
- Excellent knowledge of oral and written Albanian and Serbian language, English language will be an asset;
- Relevant professional experience;
- Ability to operate windows applications, including word processing and e-mail.
- Minimum 2 years of relevant experience is preferred.

Driver/ house keeper -131 EURO/month

(VN:KJI04/04)

Duties:

Driving the vehicle according to the needs of KJI, identifies the time for technical maintenance of the vehicle and informs his/her supervisor, daily maintenance: Filling in the trip ticket every day, refueling, maintenance of eventual breakdowns (flat tire, lack of water, indicator lights etc)

Assisting in maintaining the building, loading and unloading the means designated to KJI.

And other duties assigned by the director.

Qualifications required:

- Secondary school
- Drivers license, B category
- Elementary experience in the same post, two years preferred
- Flexibility and ability to work under pressure.

*For more information on the duties and qualifications for each post, a full Post Description is available at the KJI office

- Application Forms are available at KJI office
- Application Form or CV may be submitted to KJI office or via e-mail to arben.zajmi@kjjudicial.org

Deadline for application is 30 October 2004

Contact tel. No: (0) 38-248 688/9, ext.: 105